



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

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PROFESSIONAL CONDUCT COMMITTEE
Minutes of Meeting on March 13, 2009
[Approved on April 14, 2009]

Prepared by: Terry Wood

Meeting Location: Arcadis, Chelmsford, MA.

1. **Call to Order:** Robert Luhrs called the meeting to order at 12:43 p.m. Also present were Gail Batchelder, Janine Commerford, Deborah Farnsworth, Kirk Franklin, Jack Guswa, Christophe Henry, Gretchen Latowsky, Robert Luhrs, Kelley Race and Debra Stake. Committee members absent: none. Staff members present were Allan Fierce, Brian Quinlan, Lynn Read, Terry Wood and Al Wyman. Also present were Wes Stimpson and Matt Hackman of the LSP Association.

Announcements: None.

3. **Previous Minutes:** The draft minutes of the meeting held on January 21, 2009 were approved with minor edits.

4. **Old Business**

- A. **Status of CRTS**

At Mr. Luhrs' request, the chair of each CRT reported on progress made since the January meeting. Ms. Read stated that the certified record of the administrative appeal in case 00C-04 has been forwarded to the Attorney General's office in connection with the recently-filed appeal to superior court. She also stated that, on February 2, 2009, the superior court granted the LSP's motion requesting a stay of the 6-month license suspension issued by the Board.

At this point in the meeting, Ms. Stake left the room for a few minutes and the Committee reordered the agenda as follows.

5. New Business

B. Revised Recusal Form

Mr. Fierce passed out a revised version of the recusal form to be signed by Committee members who are recused from particular disciplinary cases. After discussion, the Committee approved the form but requested that the signature line be placed at the very end of the document. The Committee decided to table discussing whether a Committee member could participate in later deliberations of a disciplinary matter if the reason for recusal was no longer present.

Ms. Stake rejoined the meeting.

4. Old Business (continued)

B. New Policy Regarding Future Private Censures

Ms. Wood presented a draft policy memorializing the Committee's vote at the January 2009 meeting regarding future private censures. The Committee members approved the written policy.

5. New Business (continued)

A. Complaint 09C-01

This complaint was filed by a private party and alleges, among other things, that the LSP inappropriately determined in a Response Action Outcome submittal that the complainant's property was not within the disposal site of a release on the adjacent property. After discussion of the complaint and response, a motion was made and seconded to appoint a screening team to obtain some additional information and report back to the Committee. The motion passed with a vote of eight (Batchelder, Farnsworth, Franklin, Guswa, Henry, Latowsky, Luhrs and Race) to two (Commerford and Stake). Ms. Batchelder, Mr. Henry and Ms. Wood will serve on the screening team.

6. Future Meetings

The Committee is scheduled to meet on April 14, 2009 at Weston and Sampson in Peabody. The Committee is also scheduled to meet on May 27th at a location to be determined.

7. Adjournment: The meeting was adjourned at approximately 1:32 p.m.